IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

TUESDAY, THE 31ST OCTOBER 2006 / 9TH KARTHIKA 1928

Bail Appl..No. 6398 of 2006()

CC.1878/2002 of CHIEF JUDL.MAGISTRATE, ERNAKULAM
CRIME No. 284/2006 OF CENTRAL POLICE STATION, ERNAKULAM

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PETITIONERS/ACCUSED NOS.1 & 2

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1. RAFEEQ, S/O.BEERAN, AGED 29,
   KOPPARAMBIL HOUSE, PERINGHALA,
   KUNNATHUNAD.

2. NAVAS, S/O.KABEER, AGED 25,
   KATTOLIPARAMBIL, POONJYASSERY,
   PERUMBAVOOR.

BY ADV. SRI.S.NIRMAL KUMAR

RESPONDENT/COMPLAINANT

STATE OF KERALA, REPRESENTED BY
S.I. OF POLICE, CENTRAL POLICE STATION,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 31/10/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A. 6398/2006

DATED THIS THE 31ST DAY OF OCTOBER, 2006

O R D E R

The learned counsel for the petitioner Mr.S.Nirmal Kumar is generous enough in submitting all the points in a persuasive manner, as the grounds advanced by the learned counsel is not supported by any documents, so as to accept the plea of unavoidable absence of the petitioners, the reason stated in the condonation application filed by the counsel before the Court below, for non-appearance of the accused. When the case was specifically posted for recording the plea of the accused, there is no justification, for this Court in granting an order, interfering with the orders passed by the Chief Judicial Magistrate Court, Ernakulam, in C.C.No.1878/2002.

2. In such circumstances I accede to the plea of the learned counsel, to withdraw the application.

3. Hence, this application is dismissed as withdrawn.

Communicate this order to both the trial Court and the Sessions Court, Ernakulam.

J.M.JAMES
JUDGE

mrcs